

Lexington, Kentucky December 12, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on December 12, 2005 at 6:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Shafer, Stevens, Stinnett, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers and Scanlon. Absent was Council Member Wigginton.

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An Ordinance amending and re-enacting Article 24 of the Zoning Ordinance so as to create Agricultural and Rural Corridor Overlay Zones; renumbering the Paris Pike/Lexington Road Corridor Overlay Zone as Article 24 Appendix A; and creating Article 24 Appendix B of the Zoning Ordinance, the Agricultural Market (AM-1) Overlay Zone, and setting out its intent, definition, permitted, accessory, conditional and prohibited uses, locational site and design standards, lot and yard, building height, and open space requirements, procedures for obtaining an AM-1 zone map amendment, and building permit requirement was on the docket for first reading.

Mr. Lane made a motion, seconded by Mr. Farmer, to amend the ordinance to reduce the site standard criteria in Article 24B-9, paragraph 3 from one thousand (1,000) to three hundred (300) feet.

Mr. Lane stated that this amendment would require Agricultural Markets to be located at least 300 feet from any property in a residential zone or any property designated as either a Rural Settlement or as Existing Rural Residential in the Comprehensive Plan.

Mr. Moloney stated that he thought the Council needed to schedule a public hearing for the ordinance.

Mr. Cegelka asked Mr. Lane to explain the motion.

The Mayor asked Mr. David Holmes, Commissioner of the Dept. of Law, to further explain the amendment.

Mr. Holmes stated that the Planning Commission had not addressed the issue during their hearing.

Ms. Gorton and Mr. DeCamp asked Mr. Bill Sallee, Div. of Planning, to further explain the amendment.

The motion passed by unanimous vote.

Mr. Moloney asked the Mayor why the Council wasn't setting a public hearing for the ordinance.

The Mayor stated that the Council hadn't requested it.

Mr. Moloney made a motion, seconded by Ms. Gorton, to schedule a public hearing for the ordinance on January 12, 2006.

There was a discussion among the Council concerning the process for approval of the zoning change, and on the public hearing.

The ordinance was given first reading as amended.

The motion **failed to pass** by a hand vote of 7-8, with the Mayor breaking the 7-7 tie and voting no.

Ms. Gorton asked Mr. Sallee to further explain the text amendment, especially concerning the possible impact on the Georgetown water supply and on Overlay Zones.

The following citizens spoke against the ordinance: (1) Ms. Susan Byars, 4092 Iron Works Pike; (2) Ms. Barbara Sherrod, President of Spindletop Community Association and member of Friends Opposed to Iron Works Location (FOIL), and (3) Mr. Danny Burkhead, 1082 Lyle Road, Georgetown.

The following citizens spoke in favor of the ordinance: (1) Mr. Bill Holleran, 2907 Elam Village Drive, on behalf of Fayette County Farm Bureau; (2) Mr. Phillip Myer, 3170 Military Pike, and (3) Ms. Martha Mulholland, 2245 Iron Works Pike.

Ms. Gorton asked Mr. Sallee about the reduction in the setback from 1,000 feet to 300 feet, and on the Planning Commission hearing.

Mr. Sallee stated that the 1,000 foot setback had been the staff's recommendation.

Ms. Gorton made a motion, seconded by Ms. Shafer, to amend the ordinance to change the setback from 300 feet to 500 feet for all uses.

The motion **failed to pass** by a hand vote of 4-10.

The ordinance was ordered placed on file until December 13, 2005 for public inspection.

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An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures related to

the LFUCG Water Committee, and appropriating and reappropriating funds, Schedule No. 130 was given first reading.

Mr. Scanlon asked Mr. Scotty Baesler, Chairman of the Ky. American Water Co. Negotiation Committee, about the funds for the consultant and the goals of the Committee.

Mr. Baesler explained that the consultant, Coady Diemar/Partners, LLC, would deliver to the Committee and filed the following exhibit: (1) Letter Outlining the Intentions.

Mr. Moloney asked Mr. Baesler whether RWE had recently been asked by the Government whether they would sell Ky.-American Water Co. to the Urban County Government since the company was now for sale.

Mr. Baesler stated that RWE had been asked, and refused.

The Council asked questions of Mr. Baesler about the Committee's goals and the possibility of a referendum.

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The Council recessed at 7:00 p.m.

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The Council returned at with all members present except for Dr. Stevens.

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TRIAL OF POLICE OFFICER STEPHANIE ROADARMEL

(Charges)

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT STATEMENT OF FORMAL CHARGES PURSUANT TO KRS 95.450 (To be filed with the Clerk of the Urban County Council)

Stephanie Roadarmel is hereby charged with insubordination in violation of KRS 95.450 and with the following in violation of the below-listed ordinances of the Lexington-Fayette Urban County Government and General Orders of the Division of Police of the Lexington-Fayette Urban County Government:

I.

(a) Insubordination, Section 23-41(7) of the Code of Ordinances and General Order 73-2/G, Appendix B, Operational Rules 1.36 and Section 23-42(3) of the Code of Ordinances in that:

At a public event on September 11, 2004, a Supervision Officer observed Officer Roadarmel approach another officer and initiate an argument. The Supervisor ordered Officer Roadarmel to stop arguing with the other officer. However, Officer Roadarmel did not comply with the directive and continued to argue. Officer Roadarmel was again ordered to stop arguing, as the incident was being observed by the public and police recruits. However, she did not comply with the order. Finally, the Supervisor stepped directly in front of Officer Roadarmel and informed her that as a supervisor, he was ordering her to stop arguing in public. Officer Roadarmel still did not comply with the

order. Officer Roadarmel refused to obey a legitimate work-related order by a Supervisor.

/s/ Anthony Beatty, Chief
Division of Police

WAIVER

In Re: Stephanie Roadarmel

Stephanie Roadarmel, by and through counsel, hereby waives her rights pursuant to KRS 95.450 to a hearing within three days of formal charges being filed with the Lexington-Fayette Urban County Council, and further agrees to waive the sixty (60) day hearing requirement of KRS 15.520. It is further mutually agreed that counsel for the parties will appear before the Lexington-Fayette Urban County Council at the Work Session on June 7, 2005 at 1:30 p.m. to obtain a hearing date. At that time, counsel for Ms. Roadarmel will accept service of formal charges to be filed on that date. This waiver will also be filed on that date.

Done this 25th day of May, 2005.

/s/ Ashley Pack, Esq.
Attorney for Stephanie Roadarmel

NOTICE

To: Police Officer Stephanie Roadarmel

You are hereby notified that the Lexington-Fayette Urban County Council has set the aforementioned case for hearing on the 25th day of October, 2005 at 6:00 p.m. at 200 East Main Street, Lexington, KY at which time and place you will be given an opportunity to be heard.

DATE: October 4, 2005

/s/ Liz Damrell
Clerk of the Urban County Council

CERTIFICATE

The foregoing charges and notice were served by delivering a true copy of same to Police Officer Stephanie Roadarmel on this 7th day of October, 2005 at 4:24 p.m.

/s/ Sgt. R. Howard
Serving Official

AGREEMENT TO EXTEND WAIVER AND RESCHEDULE HEARING

In Re: Stephanie Roadarmel

Stephanie Roadarmel, by and through counsel, hereby extends her waiver of her rights pursuant to KRS 95.450 to a hearing within three days of formal charges being filed with the Lexington-Fayette Urban County Council, and further agrees to extend her waiver of the sixty (60) day hearing requirement of KRS 15.520. It is further mutually agreed that the hearing before the Lexington-Fayette Urban County Council on October 25, 2005 will be rescheduled and that counsel for the Government will appear before the Lexington-Fayette Urban County Council at the Council Meeting on October 20, 2005 at 7:00 p.m. to obtain a new hearing date.

Done this 20th day of October, 2005.

/s/ Jane W. Nall, Esq.

Ashley C. Pack, Esq./Jane W. Nall, Esq.
Attorneys for Stephanie Roadarmel

TO BE FILED WITH
URBAN COUNTY COUNCIL CLERK:
NOTICE OF FILING WAIVED:

/s/ Carolyn C. Zerga
Attorney for Lexington-Fayette
Urban County Government

/s/ Jane W. Nall
Attorney for Stephanie Roadarmel

AGREEMENT TO EXTEND WAIVER AND RESCHEDULE HEARING

In Re: Stephanie Roadarmel

Stephanie Roadarmel, by and through counsel, hereby extends her waiver of her rights pursuant to KRS 95.450 to a hearing within three days of formal charges being filed with the Lexington-Fayette Urban County Council, and further agrees to extend her waiver of the sixty (60) day hearing requirement of KRS 15.520. It is further mutually agreed that the hearing before the Lexington-Fayette Urban County Council on November 29, 2005 will be rescheduled and that counsel for the Government will appear before the Lexington-Fayette Urban County Council at the Council Meeting on November 17, 2005 at 7:00 p.m. to obtain a new hearing date.

Done this 17th day of November, 2005.

/s/ Ashley C. Pack, Esq.
Ashley C. Pack, Esq./Jane W. Nall, Esq.
Attorneys for Stephanie Roadarmel

TO BE FILED WITH
URBAN COUNTY COUNCIL CLERK:
NOTICE OF FILING WAIVED:

/s/ Carolyn C. Zerga
Attorney for Lexington-Fayette
Urban County Government

/s/ Ashley C. Pack
Attorney for Stephanie Roadarmel

NOTICE

To: Police Officer Stephanie Roadarmel

You are hereby notified that the Lexington-Fayette Urban County Council has set the aforementioned case for hearing on the 12th day of December, 2005 at 6:00 p.m. at 200 East Main Street, Lexington, KY at which time and place you will be given an opportunity to be heard.

DATE: November 22, 2005

/s/ Liz Damrell
Clerk of the Urban County Council

CERTIFICATE

The foregoing charges and notice were served by delivering a true copy of same to Police Officer Stephanie Roadarmel on this 29th day of November, 2005 at 11:45 a.m.

/s/ Police Officer ____ Mays
Serving Official

AGREED ORDER

In Re: Stephanie Roadarmel

By agreement of the parties, as is represented by the signatures of the respective counsel below, the following deadlines will apply in this matter:

1. The parties shall file witness lists and exhibit lists thirty (30) days before the hearing of this matter before the Council;
2. The parties shall file any motions in limine fifteen (15) days prior to the hearing of this matter before the Council.

This the 28th day of June, 2005.

/s/ Ashley L. Pack, Esq.
Attorney for Stephanie Roadarmel

/s/ Carolyn C. Zerga, Esq.
Corporate Counsel
Lexington-Fayette Urban County Government

TO BE FILED WITH URBAN COUNTY COUNCIL CLERK:
NOTICE OF FILING WAIVED:

/s/ Ashley L. Pack, Esq.
Attorney for Stephanie Roadarmel

/s/ Carolyn C. Zerga, Esq.
Corporate Council
Lexington-Fayette Urban County Government

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The charges were read by Liz Damrell, Clerk of the Urban County Council.

The defendant was present in person and represented by Attorney Ashley Pack.

The Government was represented by Attorney Carolyn Zerga.

The Mayor asked the Attorney for the defendant if they wished the hearing to be open or closed. Attorney Pack replied that the defendant wished the hearing to be open.

The Mayor swore in the witnesses.

The witnesses left the room.

Attorneys Zerga and Pack made their opening statements.

GET THE POLICE & FIRE HEARING BOOK

HEARING PORTION

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Upon motion of _____, seconded by _____ and passed by _____ vote, a Resolution imposing the discipline of 30 days suspension and appropriate counseling at the discretion of the Chief of Police upon Stephanni Roadarmel by reason of her insubordination within the meaning of KRS 95.450 and Sections 23-41 and 23-42 of the Code of Ordinances of the Lexington-Fayette Urban County Government was placed on the docket and given first reading.

Upon motion of _____ and seconded by _____, the rules were suspended by _____ vote. The resolution was given second reading and passed by the following vote:

Aye: Shafer, Stinnett, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon ----- 13

Nay: ----- 0
(Dr. Stevens was absent when the vote was taken.)

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The Council adjourned at _____

Clerk of the Urban County Council

